

REMARKS

1. Claims 1-34 are pending and stand rejected. This communication amends claims 1, 2, 6, 7, 9, 11, 12, 16, 17, 19, 21, 22, 26, 27, 29, and 33; and cancels claims 10, 20, 30.

Reconsideration of this application is respectfully requested.

2. Claims 6, 7, 16, 17, 26 and 27 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite. In response, claims 6, 7, 16, 17, 26 and 27 have been amended to correct the deficiencies described in the Office Action. Accordingly, withdrawal of this rejection is respectfully requested.

3. Claims 2, 9, 11, 12, 19, 21, 22, 29, and 33 have been amended to correct grammatical informalities and to be consistent with the amendments made to claims 1, 11 and 21 described below.

4. Claims 1-34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,112,234 to Leiper in view of U.S. Patent 6,614,936 to Wu et al. (Wu). In support of this rejection, the examiner essentially argues that Leiper discloses the entire invention except for the claimed fine granular scalable encoding, which the examiner argues is taught by Wu.

It is respectfully submitted that Leiper in view of Wu fail to teach or suggest the claimed invention. Specifically, Leiper discloses a protocol for transferring medical radiographic image series in a manner that provides for transmission of image files in a

non-serial order. The Leiper protocol provides for transmission of image files where the images most likely to be useful for diagnosis are transmitted first.

Leiper does not appear to disclose teach or suggest any type of method relating to the transmission of a video image, as required in the claimed invention. Since Leiper does not appear to disclose, teach or suggest any method involving a video image, Lieper also fails to disclose teach or suggest 1) the claimed bit-planes and macroblocks which make up the claimed video image, 2) the claimed video portion selective enhancement features, and 3) the claimed macroblock advancing transmission features.

Wu fails to cure the deficiencies of Leiper as Wu merely teaches a system and method for video encoding using fine granular scalability encoding. Thus, Leiper in view of Wu fail to teach or suggest the claimed invention.

Additionally, there is no motivation for combining Leiper and Wu in the manner proposed by the examiner. The examiner essentially argues that one of ordinary skill in the art at the time of applicant's invention would find it desirable to encode Leiper's non-video, radiographic image file transmission protocol with the fine granular scalable video encoding technique taught by Wu to overcome bandwidth fluctuation and also to provide picture enhancement. However, because Leiper's radiographic image file transmission protocol has nothing to do with video, the fine granular scalable video encoding technique taught by Wu is not applicable to Leiper. Thus, Leiper in view of Wu are not combinable as proposed by the examiner.

In order to make the distinctions between the claimed invention and Leiper in view of Wu more lucid, the independent claims have been amended. For example, claim 1 has been amended to recite:

A method for dynamically adapting a predetermined transmission sequence of a fine granular scalability (FGS) encoded video images composed of a plurality of macroblocks distributed among a plurality of bit-planes, to selectively enhance a desired portion of said video image, said method comprising the steps of:

determining which of said FGS encoded macroblocks in each of said bit-planes is associated with said desired portion of said video image;

determining an order of transmission of said determined FGS encoded macroblocks using said predetermined transmission sequence; and

advancing said determined FGS encoded macroblocks in said order of transmission according to a known level of enhancement.

Independent claims 11 and 21 have been similarly amended.

Leiper in view of Wu clearly fail to arrive at the subject matter of claims 1, 11 and 21, as currently amended. Accordingly, claims 1, 11 and 21 are believed to be allowable.

With respect to claims 2-9, claims 12-19 and 22-29, and claims 31-34, which respectively depend from claims 1, 11 and 21 and recite additional features of the invention, applicant believes these claims to be allowable for at least the same reasons as stated for claims 1, 11 and 21.

In view of the foregoing, withdrawal of this rejection is respectfully urged.

5. Favorable reconsideration of this application is respectfully requested as it is believed that all outstanding issues have been addressed herein and, further, that claims 1-9, 11-19, 21-29 and 31-34 are in condition for allowance. Should there be any questions or matters whose resolution may be advanced by a telephone call, the examiner

is cordially invited to contact applicants' undersigned attorney at his number listed below.

6. The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17, which are associated with this communication, or credit any overpayment to Deposit Account No. 50-2061.

Respectfully submitted,



Paul A. Schwarz
Registration No. 37,577

Duane Morris LLP
P.O. Box 5203
Princeton, NJ 08543-5203
609-631-2446 - Tel
609-631-2401 - Fax

PTM129157.1